

### **REMARKS**

This Amendment is filed in response to the Official Action mailed March 19, 2007. In this Amendment, claims 1, 5, 7-9 and 20 are amended, claims 22-45 and 10-14 are canceled, claims 46-61 are added and claims 2-4, 6, 15-19, and 21 remain withdrawn. Following entry of this amendment, claims 1-9, 16-21 and 46-61 shall be pending.

In response to the Notice of Non-Compliant Amendment dated September 14, 2007, this revised Amendment is now presented. The unelected invention of claims 22-45 have now been canceled and therefore it is believed that this Amendment is now proper.

In the Office Action, the drawings are objected to and claim 1, 5, 7-11 and 20 are rejected based on prior art grounds. For the reasons set forth below, these rejections are hereby traversed.

#### **I. REJECTIONS UNDER 35 U.S.C. SECTION 112**

The Examiner objected to claims 1, 5, and 10 under 35 U.S.C. Section 112, first paragraph. Specifically, the Examiner rejects the language "a second storage position" in claims 1 and 5. In an effort solely to expedite prosecution of this application, this language has been removed from claim 1 and therefore claim 5. Claim 1 has now been amended to recite a "raised, stowed position" as described in paragraph 0005.

Additionally, the Examiner rejects the language "a payload comprising a mattress" in claim 10. Claim 10 is now canceled and therefore it is believed that this rejection is now moot.

#### **II. DRAWINGS**

The drawings are objected to under 37 C.F.R. 1.83(a) for not showing every feature of the invention specified in the claims. Specifically, the Examiner objects to "a second storage position," "a ceiling of a vehicle," and "a payload comprising a mattress".

In an effort solely to expedite prosecution of this application, this language has been removed from the pending claims. Therefore it is believed that this objection is now moot.

## **II. REJECTIONS UNDER 35 U.S.C. SECTION 103**

Claims 1, 5, 7-11 and 20 are rejected under 35 U.S.C. Section 103(a) as being anticipated by U.S. Patent No. 4,353,436 to Rice et al. (*The Rice et al. Patent*) in view of U.S. Patent No. 2,187,390 to Anderson (*The Anderson et al. Patent*). For at least the reasons set forth below, it is submitted that these prior art rejections should be withdrawn and the pending claims allowed.

Turning first to claim 1, this claim as now amended is directed to a lifting device in a recreational vehicle comprising a frame; a first lifting mechanism secured along a vertical length of said frame; a second lifting mechanism secured along a vertical length of said frame; a distribution mechanism coupled to a top end of said first lifting mechanism and a top end of said second lifting mechanism for transferring motive force between said first lifting mechanism and said second lifting mechanism; a first bracket assemblage slidably disposed on said frame; said first bracket assemblage engaged with said first lifting mechanism to adjust a height of said first bracket assemblage; and a second bracket assemblage slidably disposed on said frame; said second bracket assemblage engaged with said second lifting mechanism to adjust a height of said second bracket assemblage; said first bracket assemblage and said second bracket assemblage coupled to a first bed bracket sized for supporting a bed; a third bracket assemblage slidably disposed on said frame; a fourth bracket assemblage slidably disposed on said frame; and a second bed bracket sized to support a bed and coupled to said third bracket assemblage and said fourth bracket assemblage; wherein said first bed bracket is movable between a lowered position and raised, stowed position.

*The Rice et al. Patent* cannot be properly relied upon as anticipating the invention as recited in claim 1. For example, *The Rice et al. Patent* fails to show a first bed bracket sized for supporting a bed. *The Rice et al. Patent* illustrates a wheel chair

lift, as see best in Figure 1 of the reference. While *The Rice et al. Patent* discloses a wheel chair lift ideal for lifting wheel chairs into a vehicle, it cannot be used to lift a bed. A wheel chair and a bed are of vastly different sizes, weights and weight distributions. Simply placing a bed on the wheel chair lift of *Rice* will not provide adequate support so that the bed can be used. For example, the bed would fall off of the wheel chair lift during lifting movement or during use by a person. The undersigned can find no support brackets in *The Rice et al. Patent* which could support a bed.

In the "Response to Arguments" section of the Final Office action of March 19, 2007 the Examiner argues that "the payload of said reference [*Rice*] being a bed or similar device or structure is well within the disclosure of said reference." However, this argument is misleading. While the term "bed" is mentioned in *The Rice et al. Patent*, this term clearly refers to the "bed" of a vehicle, not a bed for sleeping as clearly indicated in the present invention. Further, the undersigned can find no bed bracket or structure sized for supporting a bed.

In another example, *The Rice et al. Patent* fails to show a second bed bracket sized to support a bed. *The Rice et al. Patent* only teaches a single wheel chair platform, not a second bed bracket as claimed in claim 1. Further, the *Rice* lift would not function as intended, if at all, with a second wheel chair platform.

In another example, *The Rice et al. Patent* fails to show a first bed bracket movable between a lowered position within said vehicle and a raised, stowed position within said vehicle. The *Rice* lift is configured to move a wheel chair from ground level to the floor of the vehicle, on the outside of the vehicle. When the lift is fully contained in the vehicle it cannot increase or decrease the height of the wheel chair platform. Further, even on the outside of the vehicle, the nature of the *Rice* lift prevents it from raising a wheel chair higher than floor level of the vehicle. The instant invention as claimed in claim 1 lifts a bed between a lowered position within said vehicle and a raised, stowed position within said vehicle. Therefore, simply using the lift of *The Rice et al. Patent* will not allow for a raised, stowed position.

In another example, *The Rice et al. Patent* fails to show a distribution mechanism coupled to a top end of said first lifting mechanism and a top end of said second lifting mechanism for transferring motive force between said first lifting mechanism and said second lifting mechanism. *The Rice et al. Patent* teaches sprockets 88 and 90 connected by a chain 92 at a lower portion of the lead screws 68 and 86. However, the *Rice* mechanism is not coupled to a top end of a first lifting mechanism and a top end of a second lifting mechanism. Further, if the sprocket and chain mechanism were located on the top ends of the lead screws of the *Rice* lift, a user would be unable to enter the vehicle. In contrast, the present invention as recited in claim 1 includes a distribution mechanism coupled to a top end of said first lifting mechanism and a top end of said second lifting mechanism so that when the bed is raised to a stowed position, the space underneath can be used without the hindrance of, for example, a distribution mechanism.

Further, *The Anderson et al. Patent* does not make up for the deficiencies of *The Rice et al. Patent*. *The Anderson et al. Patent* is directed to an elevator having a lifting mechanism beneath the elevator car and a pulley located over the lifting car. For example, *The Anderson et al. Patent* does not teach an arrangement providing a raised, stowed position, nor a bed bracket, nor a distribution mechanism as recited in claim 1.

Thus, for at least these reasons *The Rice et al. Patent* in combination with *The Anderson et al. Patent* fails to make obvious claim 1. Claims 5, 7-9, 20 and 57-61 depend from claim 1 and thus for at least the above reasons are also novel and unobvious over the cited prior art. However, these claims further limit the claimed invention and thus are separately patentable over the cited prior art.

Turning to claim 10, this claim has been canceled in an effort solely to expedite prosecution of this application. It is believed that the rejection against claim 10 and dependent claims 11-14 is now moot.

Newly added claim 46 is also believed to be novel over *The Rice et al. Patent* in combination with *The Anderson et al. Patent* for similar reasons argued for claim 1.

Claim 46 is directed to a bed lifting device for raising or lowering a bed in a recreational vehicle comprising a first vertical support bracket having a first elongated vertical length; a first lifting mechanism located along said first elongated vertical length of said first vertical support bracket a first lifting bracket slidably engaged with said first vertical support bracket and supported by said first lifting mechanism; a second vertical support bracket having a second elongated vertical length; a second lifting mechanism located along said second elongated vertical length of said second vertical support bracket; a second lifting bracket slidably engaged with said second vertical support bracket and supported by said second lifting mechanism; a first bed bracket sized to support a bed; said first bed bracket connected to said first lifting bracket and said second lifting bracket; a third lifting bracket slidably engaged with said first vertical support bracket; a fourth lifting bracket slidably engaged with said second vertical support bracket; and, a second bed bracket sized to support a bed; said second bed bracket connected to said third lifting bracket and said fourth lifting bracket; wherein said second bed bracket is located above said first bed bracket; a shaft coupled to a top end of said first lifting mechanism and to a top end of said second lifting mechanism for distributing motive force between said first lifting mechanism and said second lifting mechanism; and, a motor disposed on said bed lifting device so as to drive said first lifting mechanism, said shaft, and said second lifting mechanism; wherein said first bed bracket is movable between a lowered position within said vehicle and a raised, stowed position within said vehicle.

For example, *The Rice et al. Patent* fails to show a first bed bracket sized for supporting a bed as recited in claim 46. *The Rice et al. Patent* illustrates a wheel chair lift, as see best in Figure 1 of the reference. While *The Rice et al. Patent* discloses a wheel chair lift ideal for lifting wheel chairs into a vehicle, it cannot be used to lift a bed. A wheel chair and a bed are of vastly different sizes, weights and weight distributions. Simply placing a bed on the wheel chair lift of *Rice* will not provide adequate support so that the bed can be used. For example, the bed would fall off of the wheel chair lift

during lifting movement or during use by a person. The undersigned can find no support brackets in *The Rice et al. Patent* which could support a bed.

In another example, *The Rice et al. Patent* fails to show a first bed bracket movable between a lowered position within said vehicle and a raised, stowed position within said vehicle as recited. The *Rice* lift is configured to move a wheel chair from ground level to the floor of the vehicle, on the outside of the vehicle. When the lift is fully contained in the vehicle it cannot increase or decrease the height of the wheel chair platform. Further, even on the outside of the vehicle, the nature of the *Rice* lift prevents it from raising a wheel chair higher than floor level of the vehicle. The instant invention as claimed in claim 46 lifts a bed between a lowered position within said vehicle and a raised, stowed position within said vehicle. Therefore, simply using the lift of *The Rice et al. Patent* will not allow for a raised, stowed position.

In another example, *The Rice et al. Patent* fails to show a second bed bracket sized to support a bed as recited. *The Rice et al. Patent* only teaches a single wheel chair platform, not a second bed bracket as claimed in claim 46. Further, the *Rice* lift would not function as intended, if at all, with a second wheel chair platform.

In another example, *The Rice et al. Patent* fails to show a shaft coupled to a top end of said first lifting mechanism and to a top end of said second lifting mechanism for distributing motive force between said first lifting mechanism and said second lifting mechanism. *The Rice et al. Patent* teaches sprockets 88 and 90 connected by a chain 92 at a lower portion of the lead screws 68 and 86. However, the *Rice* mechanism is not a shaft and is not coupled to a top end of a first lifting mechanism and a top end of a second lifting mechanism. Further, if the sprocket and chain mechanism was located on the top ends of the lead screws of the *Rice* lift, a user would be unable to enter the vehicle. In contrast, the present invention as recited in claim 46 includes a shaft coupled to a top end of said first lifting mechanism and to a top end of said second lifting mechanism for distributing motive force between said first lifting mechanism and said second lifting mechanism so that when the bed is raised to a stowed position, the

space underneath can be used without the hindrance of, for example, a distribution mechanism.

Further, *The Anderson et al. Patent* does not make up for the deficiencies of *The Rice et al. Patent*. *The Anderson et al. Patent* is directed to an elevator having a lifting mechanism beneath the elevator car and a pulley located over the lifting car. For example, *The Anderson et al. Patent* does not teach an arrangement providing a raised, stowed position, nor a bed bracket, nor a shaft as recited in claim 46.

Thus, for at least these reasons *The Rice et al. Patent* in combination with *The Anderson et al. Patent* fails to make obvious claim 46. Claims 47-51 depend from claim 46 and thus for at least the above reasons are also novel and unobvious over the cited prior art. However, these claims further limit the claimed invention and thus are separately patentable over the cited prior art.

Newly added claim 52 is also believed to be novel over *The Rice et al. Patent* in combination with *The Anderson et al. Patent* for similar reasons argued for claims 1 and 46. Claim 52 is directed to a device for lifting a bed between a lowered position and a raised position comprising a first vertical support bracket having an elongated shape; a first lifting mechanism disposed along a vertical length of said first vertical support bracket; a second support bracket having an elongated shape; a second lifting mechanism disposed along a vertical length of said second vertical support bracket; a first bed bracket sized to support a bed; said first bed bracket coupled to said first lifting mechanism and said second lifting mechanism to move said bed bracket between a raised position and an elevated position; a second bed bracket sized to support a bed; said second bed bracket slidably coupled to said first vertical support bracket and to said second vertical support bracket; wherein said second bed bracket is uncoupled from said first lifting mechanism and said second lifting mechanism in a manner such that movement of said second bed bracket to an elevated position is due to pushing of said first bed bracket upwardly against said second bed bracket; and a distribution mechanism coupled to a top end of said first lifting mechanism and a top end of said

second lifting mechanism for transferring motive force to said first lifting mechanism and said second lifting mechanism.

For example, *The Rice et al. Patent* fails to show a first bed bracket sized to support a bed as recited in claim 52. For example, *The Rice et al. Patent* fails to show a bed bracket sized for supporting a bed. *The Rice et al. Patent* illustrates a wheel chair lift, as see best in Figure 1 of the reference. While *The Rice et al. Patent* discloses a wheel chair lift ideal for lifting wheel chairs into a vehicle, it cannot be used to lift a bed. A wheel chair and a bed are of vastly different sizes, weights and weight distributions. Simply placing a bed on the wheel chair lift of *Rice* will not provide adequate support so that the bed can be used. For example, the bed would fall off of the wheel chair lift during lifting movement or during use by a person. The undersigned can find no support brackets in *The Rice et al. Patent* which could support a bed.

In another example, *The Rice et al. Patent* fails to show a second bed bracket sized to support a bed; said second bed bracket slidably coupled to said first vertical support bracket and to said second vertical support bracket; wherein said second bed bracket is uncoupled from said first lifting mechanism and said second lifting mechanism in a manor such that movement of said second bed bracket to an elevated position is due to pushing of said first bed bracket upwardly against said second bed bracket. *The Rice et al. Patent* only teaches a single wheel chair platform, not a second bed bracket as claimed in claim 52. Further, the wheel chair platform is engaged with the lead screws of the lift and therefore cannot be pushed by a first bed bracket as claimed, or by any other mechanism.

In another example, *The Rice et al. Patent* fails to show a distribution mechanism coupled to a top end of said first lifting mechanism and a top end of said second lifting mechanism for transferring motive force between said first lifting mechanism and said second lifting mechanism. *The Rice et al. Patent* teaches sprockets 88 and 90 connected by a chain 92 at a lower portion of the lead screws 68 and 86. However, the *Rice* mechanism is not a distribution mechanism coupled to a top end of said first lifting



mechanism and a top end of said second lifting mechanism. Further, if the sprocket and chain mechanism was located on the top ends of the lead screws of the *Rice* lift, a user would be unable to enter the vehicle. In contrast, the present invention as recited in claim 52 includes a distribution mechanism coupled to a top end of said first lifting mechanism and a top end of said second lifting mechanism for transferring motive force between said first lifting mechanism and said second lifting mechanism so that when the bed is raised to a stowed position, the space underneath can be used without the hindrance of, for example, a distribution mechanism.

*The Anderson et al. Patent* does not make up for the deficiencies of *The Rice et al. Patent*. *The Anderson et al. Patent* is directed to an elevator having a lifting mechanism beneath the elevator car and a pulley located over the lifting car. For example, *The Anderson et al. Patent* does not teach an arrangement providing a bed bracket, nor a second bed bracket, nor a distribution mechanism as recited in claim 52.

Thus, for at least these reasons *The Rice et al. Patent* in combination with *The Anderson et al. Patent* fails to make obvious claim 52. Claims 53-56 depend from claim 52 and thus for at least the above reasons are also novel and unobvious over the cited prior art. However, these claims further limit the claimed invention and thus are separately patentable over the cited prior art.

### **III. AMENDMENTS AND NEW CLAIMS**

It is believed that no new matter is presented in the amendments and new claims presented in this Amendment. For example, support for the "second bed bracket" of all pending claims can be found in Figures 10-16 and paragraphs 0071, 0072, and 0073. In another example, support for the "distribution mechanism" recited in claims 1 and 52 (and their respective dependent claims) can be found in Figures 10-16 and paragraphs 0066, 0070, and 0076. In another example, support for the "shaft" recited in claim 46 (and its dependent claims) can be found in Figures 13-16 and paragraph 0076. In another example, support for "said second bed bracket is uncoupled from said first lifting mechanism and said second lifting mechanism in a manor such that movement of

said second bed bracket to an elevated position is due to pushing of said first bed bracket upwardly against said second bed bracket” can be found in Figures 10-16 and paragraphs 0071 and 0072.

However, these citations are merely examples of support. Additional support may be found elsewhere in the application.

**CONCLUSION**

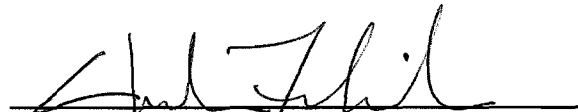
In view of the foregoing, it is submitted that pending claims 1, 5, 7-9, 20 and 46-61 are now in condition for allowance. Hence an indication of allowability is hereby requested.

If for any reason direct communication with Applicants' attorney would serve to advance prosecution of this case to finality, the Examiner is cordially urged to call the undersigned attorney at the below listed telephone number.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 50-2809.

Respectfully submitted,

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